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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
1			ATTORNET BOCKET NO.	···
08/967,473	11/11/1997	THEODORE G. HABING		7145
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MARK A KRULL		·	CROW, STEPHEN R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Applicant(s)				
Steve R. Crow 3764		08/967,473	HABING ET AL.				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Letterations of time may be anxieting date of this communication of 37 CPE1. 13(a). In ne event, movemer, may a reply be timely fixed after SX (6) MONTHS from the mailing date of this communication. Fallute to pay which the set or extended period for reyly will by status-cause the application to become PANNOFIC (30 s. S. c. § 137). Fallute to pay which the set or extended period for reyly will by status-cause the application become PANNOFIC (30 s. S. c. § 137). Fallute to pay which the set or extended period for reyly will by status-cause the application become PANNOFIC (30 s. S. c. § 137). Fallute to pay which the set or extended period for reyly will by status-cause the application become PANNOFIC (30 s. S. c. § 137). Fallute to pay which the set or extended period for reyly will by status-cause the application become PANNOFIC (30 s. S. c. § 137). Fallute to pay within the set or extended period for reyly will by status-cause the application become PANNOFIC (30 s. S. c. § 137). Fallute to pay within the set or extended period for replication is non-final. Fallute to pay the first pay reduce any set of the communication, even dumby fired, may reduce any set of the communication of the communication. Fallute to pay the first pay reduce any set of the communication of the communication. Fallute to pay the first pay reduce any set of the communication. Fallute to pay the first pay reduce any set of the communication. Fallute to pay the first pay reduce any set of the communication. Fallute to pay the first pay reduce any set of the communication. Fallute to pay the first pay reduce any set of the communication. Fallute to pay the first pay reduce any set of the communication. Fallute to pay the first pay reduce any set of the communication. Fallute to pay the first pay reduce any set of the communication. Fallute to pay the	Office Action Summary	Examiner	Art Unit				
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1) Responsive to communication(s) filed on 22 September 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-17 and 19-64 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 9) Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No.	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-35, drawn to an exercise machine, classified in class 482, subclass 52.
 - II. Claims 36-64, drawn to a method of exercise, classified in class 482, subclass 148.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the metod of exercise does not require the use of a motor means.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve R. Crow whose telephone number is 571-272-4973. The examiner can normally be reached on Reg:8:30-6;Off First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC

STEPHEN R. CROW PRIMARY EXAMINER ART UNIT 332

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